

HALL COUNTY BOARD OF SUPERVISORS MEETING MARCH 28, 2000

The Hall County Board of Supervisors met from adjourned session and by published call in the county board meeting room, 121 South Pine, Grand Island, Nebraska, March 28, 2000 at 9:00 a.m.

The meeting was called to order by Chairman Richard Hartman.

Invocation was given by Rev. Richard Karohl with Faith United Methodist Church.

The Pledge of Allegiance was given in unison.

Present on roll call were Richard Hartman, Bud Jeffries, Pamela Lancaster, Margaret Landis and Tammie Stelk. Lonnie Logan was absent. Also present were Deputy County Attorney Jerry Janulewicz and news media representatives from the *Grand Island Independent* and KRGI.

MINUTES OF MARCH 14 MEETING: Stelk made a motion and Lancaster seconded to accept and place on file the minutes of the March 14 meeting. Arnold, Hartman, Jeffries, Lancaster, and Stelk all voted yes and none voted no with Logan absent and Landis absent for the vote. Motion carried.

1a. AWARD PRESENTATION MIDLAND AREA AGENCY ON AGING: Lancaster stated that Jerry Ryan with Midland Area Agency on Aging and Lois Stienike with Senior Citizens were present to recognize the outstanding senior citizen and the outstanding private sector business. Mr. Ryan presented Rev. Vernon Rice with the outstanding senior citizen award for conducting church services at the local nursing homes and he stated the outstanding private sector business award goes to Joe Somerfield for his contribution of poinsettias plants to the elderly at the holidays. Mr. Ryan thanked Rev. Rice and Mr. Somerfield for their contributions to the community.

1b. EXECUTIVE SESSION PERSONNEL: Jeffries made a motion and Arnold seconded to go into executive session. Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

9:10 a.m. executive session

9:35 a.m. Jeffries made a motion and Lancaster seconded to go out of executive session. Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

Jeffries made a motion and Lancaster seconded to appoint Dave Arnold as the Corrections Director. Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

PUBLIC PARTICIPATION: Louise Miller, 1104 West Charles requested to speak to the county board concerning the authority that the state has over the federal government and expressed her concerns on the county receiving federal funds.

4. DISCUSS AND APPROVE PURCHASE OF SPILLMAN E-911/CAD MODULE: Will Bennett with ABACUS presented the purchase order and the contract for the purchase

of this equipment for the corrections and sheriff's departments. He stated these purchases were approved in the budget. Jeffries made a motion and Lancaster seconded to approve the purchase and the contract. Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

7. HANDI BUS BUDGET: a. APPROVE AGREEMENT WITH HALL COUNTY AND CITY CAB COMPANY TO PROVIDE TRANSPORTATION SERVICES b. APPROVE SUBCONTRACT WITH COUNTY OF HALL AND SENIOR CITIZENS INDUSTRIES FOR TRANSPORTATION SERVICES c. APPROVE RESOLUTION FOR PUBLIC TRANSPORTATION ASSISTANCE FUNDS: The handi-bus budget and application for the handi bus was approved at the March 14 meeting and now the agreement, the subcontract and resolution need to be approved. Jeffries made a motion and Lancaster seconded to approve the agreement and subcontract and approve Resolution #00-0034 for the application for public transportation assistance funds. Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

8. APPROVE RESOLUTION PROCLAIMING APRIL AS CHILD ABUSE PREVENTION MONTH: The proclamation was read and Jeffries made a motion and Lancaster seconded to approve Resolution #00-0035 proclaiming April as child abuse prevention month. Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

RESOLUTION #00-0035

PROCLAMATION

WHEREAS, Over 200 children were involved in substantiated cases of child abuse and neglect through the Nebraska Health and Human Services System in Hall, Hamilton, Merrick and Howard Counties in 1997; and

WHEREAS, Nebraska and Hall County are committed to supporting families through programs that will prevent child abuse and neglect; and

WHEREAS, there are numerous dedicated individuals and organizations in Hall County who work daily to break the cycle of child abuse and neglect and to find families the assistance that they need; and

WHEREAS, every child has a right to live rather than exist, to be a person rather than a possession and to be equal with every other human being, regardless of age; and

WHEREAS, all children deserve loving hugs, warm homes, and tender care from parents and adults whole make them feel safe, happy, and loved.

NOW THEREFORE, BE IT RESOLVED by the Hall County Board of Supervisors that April is

CHILD ABUSE PREVENTION MONTH

In Hall County that we call upon our citizens to observe the month with appropriate programs and activities to wear a Blue Ribbon to show that it shouldn't hurt to be a child. Every child deserves a Blue Ribbon.

PASSED AND ADOPTED THIS ____ DAY OF _____.

Resolution moved by Supervisor _____

Seconded by Supervisor _____

VOTE:

Scott Arnold	For____; Against____; Abstained____; Not Present____.
Richard Hartman	For____; Against____; Abstained____; Not Present____.
William P. Jeffries	For____; Against____; Abstained____; Not Present____.
Pamela Lancaster	For____; Against____; Abstained____; Not Present____.
Margaret Landis	For____; Against____; Abstained____; Not Present____.

Lonnie Logan For____; Against____; Abstained____; Not Present____.
Tammie Stelk For____; Against____; Abstained____; Not Present____.

HALL COUNTY BOARD OF SUPERVISORS

Richard Hartman, Chairman of the Board of Supervisors

Marla J. Conley Hall County Clerk

11. APPROVE BID SPECIFICATIONS & SET BID OPENING JANITORIAL SERVICES:

The bid specifications were changed to add the square feet of each building for the bidding process in the event that the location of the health department would change. Jeffries made a motion and Lancaster seconded to approve the bid specifications and set the bid opening for April 25, at 10:00 a.m. Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

9. APPROVE RESOLUTUION FOR SALE OF SURPLUS PROPERTY: Jeffries made a motion and Stelk seconded to table this item until the next meeting. . Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

17. APPOINTMENT BY COUNTY SUPERVISORS TO CONVENTION VISITORS BOARD: Lancaster stated that Bob Besse, a CVB board member, will be leaving the state and the county board will need to make another appointment to the CVB board. They will have a letter of recommendation for the appointment at the April 11 meeting.

10. HOWARD MAXON EMERGENCY MANAGEMENT DIRECTOR REGARDING 911 CENTER STAFFING AND EFFICIENCY STUDY: Howard Maxon Emergency Management Director stated that the 911 communications center has 12 full-time and 1 part-time employees. This is an increase of 26% over the 20 years. It has been suggested by the 911 staff and the city and county public-safety officials that additional staff is needed. He is proposing that an efficiency study be done. The city has received three proposals for this study.

1. Pacific consulting Services, Bremerton, Washington not to exceed \$16,000.00
 2. Schema Systems Inc, Whittier, California for \$21,350.00
 3. Concepts to Operations Inc, Annapolis, Maryland for \$2,500.00 per day
- The proposal from Pacific Consulting is the best proposal and he recommended that it be accepted by the county board. The city council approved it at their meeting March 27. It would not require any additional funding from the city or the county. The expenses would be paid from the 911 budget. Mr. Maxon stated he did not feel that the 911 center needs any additional employees. Landis questioned if this could be subcontracted with the RDG facilities study that is being done. Arnold mentioned that the new technology that the city and county are looking at will save work for the department. Arnold made a motion to table the matter for further information and bring it back to the board. No second was received the motion failed.

Jeffries made a motion and Landis seconded to not approve the request for an efficiency study. Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and Arnold voted no with Logan absent. Motion carried.

6a. 10:10 A.M. PUBLIC HEARING – INDUSTRIAL DEVELOPMENT BONDS FOR NORWEST BANK FOR YWCA: Stelk made a motion and Jeffries seconded to open the public hearing for the YWCA industrial development bonds. Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

Lavern Wisner with Cline, Williams, Wright, Johns and Oldfather from Lincoln, Nebraska was present to answer any questions concerning the industrial development bonds. The purpose of the bonds is to purchase, equip and furnish the real estate for the YWCA. Lease payment for the principal will be made by the YWCA and they will also receive a reduced interest rate. There will be no liability for the county. Deputy County Attorney Jerry Janulewicz stated that the county has issued industrial development bonds before to businesses an industry and to the hospital authority.

Lancaster made a motion and Jeffries seconded to close the public hearing. Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

Lancaster made a motion and Stelk seconded to approve the request for the YWCA for the industrial development bonds and authorize the chair to sign the documents and approve Resolution #00-0025. Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

6a 1. 10:15. A.M. PUBLIC HEARING COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR HALL COUNTY AIRPORT: Stew Jobes stated that a public hearing was held on this in December 1999 but because of significant changes in the amount of the funding for the project another hearing had to be held. Jeffries questioned why the Economic Development Corporation in Grand Island did not work on this development grant and Mr. Stovall, airport manager stated that the airport has their own industrial development department that works on airport development. Hartman questioned if Emulsified Asphalt is going to locate there. Mr. Stovall stated that they are but it would not employ as many people.

Stelk made a motion and Lancaster seconded to close the public hearing. Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

Jeffries made a motion and Lancaster seconded to approve the following resolutions:

1. Resolution #00-0026 applicants statement of assurances and certifications'
 2. Resolution #00-0027 authorizing the board chairman to sign the application
 3. Resolution #00-0028 citizens participation plan
 4. Resolution #00-0029 residential antidisplacement and relocation assistance plan
 5. Resolution #00-0030 use of excessive force
 6. Resolution #00-0031 approval of interlocal cooperation agreement
- Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

6c. CONSIDER AND APPROVE RESOLUTION APPROVING INTERLOCAL AGREEMENT WITH HALL COUNTY AIRPORT AUTHORITY FOR RUNWAY PROJECT: Attorney Ron Depue stated the airport authority has met with the audit committee in October concerning this project for the airport and they needed to have approval from the Nebraska Department of Revenue and the State Auditor's office for the request for the sales tax exemption if the project was funded through the county. They received this approval and now they are requesting the county board's approval. The funds would be received and the expenditures paid through the county claim process. The county would also do the bid lettings. Jeffries expressed concern on the county liability on the construction and Mr. Depue stated that the contractors would be bonded and insured. Stelk made a motion and Jeffries seconded to approve Resolution#00-0032 and authorize the chair to sign the interlocal agreement. Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

6d. ACCEPT RESIGNATION: The county board received the resignation from Mr. Dan Fisher as a member of the Hall County Airport Authority Board. The board members serve four-year terms and are elected at large. The county board has 45 days to make an appointment to fill the vacancy. Discussion was held on the replacement and how a new member would be elected. Deputy County Attorney Jerry Janulewicz said he would check the state statutes on this and talk to the Secretary of State. Jeffries made a motion and Stelk seconded to advertise for applicants for the airport authority board member and accept the applications until 9:00 a.m. April 11, 2000. The board will review the applications at the April 11 meeting. . Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

6b. 10:30 A.M. PUBLIC HEARING PLANNED UNIT DEVELOPMENT FOR JAMISON HOUSE: Jeffries made a motion and Lancaster seconded to open the public hearing for the planned unit development. Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

Regional Planning Director Chad Nabity stated that Don Dietemeyer requested this planned unit development for historical and recreational purposed. The home will be restored to its original condition and maintained. The Regional Planning Commission held a public hearing and approved the request for the planned unit development. Jeffries made a motion and Lancaster seconded to close the public hearing. Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

Mr., Nabity stated that when the preliminary plat is finished it will need to be approved and the county board will need to approve the final plat.

6c. 10:45 A.M. PUBLIC HEARING FOR PAPPAS TELECASTING FOR RENEWAL OF CONDITIONAL USE PERMIT: Arnold made a motion and Jeffries seconded to open the public hearing. . Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

The first public hearing was held March 14 but because of a change of ownership it was necessary to reschedule the hearing and change the ownership name on the resolution. The corrections have been made the conditional use committee recommended approval.

Arnold made a motion and Jeffries seconded to close the public hearing. . Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

Landis made a motion and Jeffries seconded to approve Resolution #00-0033 for the conditional use permit for Pappas Telecasting for ten years. Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

RESOLUTION #00-_0033_

**A RESOLUTION GRANTING THE APPLICATION FOR A CONDITIONAL
USE OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWENTY (20),
TOWNSHIP NINE (9) NORTH, RANGE ELEVEN (11) WEST OF THE 6th P.M.,
HALL COUNTY, NEBRASKA.**

WHEREAS, Pappas Telecasting of Nebraska, hereinafter referred to as applicant, is the lessee and Robert and Norma Derr is the owner of the Southeast Quarter (SE1/4) of Section Twenty (20), Township Nine (9) North, Range Eleven (11) West of the 6th P.M., Hall County, Nebraska; and

WHEREAS, applicant has made its written application for a permit to use the above-described property for the erection, operation, repair, and maintenance of a telecommunications tower; and

WHEREAS, said property is located within the AG-1 Agricultural Zoning District; and

WHEREAS, on March 14, 2000, a public hearing was held upon said application by the Hall County Board of Supervisors following due and proper notice of the same to the public; and

WHEREAS, the Hall County Board of Supervisors is empowered pursuant to the Hall County Zoning Resolution to grant an application for conditional use upon a determination that the proposed use is consistent with the intent of the AG-1 Agricultural Zoning District.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the evidence presented and the factors to be considered pursuant to subsection d. of section 11 of the Zoning Resolution, the use of the aforesaid property for the erection, operation and maintenance of a telecommunications tower is found to be consistent with the intent of the AG-1 Agricultural Zoning District and that the application for conditional use is hereby granted subject to the following conditions, limitations, and restriction:

1. All waste, rubbish and debris, if any, must be completely cleared from the above described real estate as soon as practical and said real estate must, at all times, be kept in a clean and neat condition.
2. No uses under this resolution shall result in an unreasonable hazard or nuisance to the adjacent landowners or to the general public.
3. Nothing in this grant of conditional use shall be construed as a grant of right, authority or permit to allow any use of land, materials or methods which violate any state or federal law or rule or regulation of a federal, state or local agency other than as specifically set forth herein. The applicant shall be required, as a condition of this permit, to comply with all applicable state and federal laws and regulations including, but not limited to,

those pertaining to telecommunications, water quality, surface drainage, flood control and protection, and environmental quality and protection. Applicant shall at all times comply with any and all tower marking and illumination requirements of the Federal Aviation Administration and the Federal Communications Commission.

4. The term of this conditional use permit shall be for a period of ten (10) years beginning the date hereof, but may be terminated if applicant fails to comply with any of the conditions, restrictions and obligations set forth herein. In the event of noncompliance, the Hall County Board of Supervisors shall notify the applicant in writing setting forth the specific area or areas of noncompliance. If the applicant fails to cure any such noncompliance within 30 days after receiving said notice, the Hall County Board of Supervisors shall hold a hearing to consider the suspension, revocation, or termination of this permit of conditional use.

5. Applicant shall maintain liability insurance coverage upon said tower in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence and shall include the County of Hall, Nebraska as an additional insured on such policy or policies. Applicant shall at all times during the term of this permit maintain on file with the Hall County Clerk a certificate or certificates of insurance showing such coverage as set forth herein.

This Conditional Use Permit is hereby granted this 28th day of March, 2000, subject to the terms, conditions and restrictions above set forth.

Resolution moved by Supervisor _____.

Seconded by Supervisor _____.

Vote:

Supervisor Arnold:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Hartman:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Jeffries:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Lancaster:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Landis:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Logan:	For ____; Against ____; Abstained ____; Not Present ____.
Supervisor Stelk:	For ____; Against ____; Abstained ____; Not Present ____.

PASSED AND ADOPTED THIS 28th DAY OF MARCH, 2000.

HALL COUNTY BOARD OF
SUPERVISORS

Richard Hartman, Chairman of the Board
of Supervisors

Marla J. Conley, Hall County Clerk

Prepared by:
Jerom E. Janulewicz

Stelk made a motion and Lancaster seconded to approve by consent agenda the following:

1. Accept and place on file the office reports from the Register of Deeds, Clerk of the District Court, Hall County Juvenile Diversion, Hall County Attorney Statistical Report, County Weed Department and Hall County Health Department
2. Accept and place on file the Hall County Treasurer's Miscellaneous Receipts
3. Accept and place on file communications as received.

Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

OFFICE REPORT
CLERK OF THE DISTRICT COURT
FEBRUARY 2000

FEES AND INTEREST ON ACCT # 2-200-4	\$ 4,477.25
INTEREST ON ACCOUNT # 114-0090191	\$ 4.57
INTEREST EARNED ON ACCT. 3 7-396-2	\$ 137.23

OFFICE REPORT
REGISTER OF DEEDS
FEBRUARY 2000

DOCUMENTARY STAMP FEES	\$ 4,703.91
RECORDING FEES	\$ 10,520.00
PHOTO FEES	\$ 847.30
TOTAL	\$ 16,071.21

OFFICE REPORT
HALL COUNTY JUVENILE SERVICES
MARCH 2000

JUVENILE REFERRALS	30 JUVENILES
JUVENILE OFFENDERS	5 JUVENILES
JUVENILE HOUSE ARREST	4 JUVENILES
TOTAL UNDER SUPERVISION	183 JUVENILES
FEES COLLECTED	\$1,115.00

BOARD ASSISTANT'S REPORT: Stacey Ruzicka included her progress report and noted the changes on the computer committee meeting for April 4 at 9:00 a.m. and the ADA committee meeting for March 29.

BOARD MEMBER'S REPORTS: Arnold - He attended the Head Start policy council meeting, the computer committee meeting and they are working on the e-mail and Internet Services and he also attended the County Superintendent of Schools committee meeting.

Landis – No report

Lancaster – She attended the Midland Area Agency on Aging meeting, the CVB meeting and she reported that Bob Bessee will be leaving Grand Island. She attended the computer committee meeting.

Jeffries – No report

Hartman – No report

Stelk - She attended the computer committee meeting and the superintendent of schools meeting and reported that because of LB292 that will be effective July 1, 2000 the office of the superintendent will be eliminated and the duties are transferred to the offices of the County Clerk, Treasurer and Assessor. Deputy County Attorney Jerry Janulewicz researched the statutes and the duties must go to the clerk, assessor and treasurer so the committee will need to meet again to discuss this further.

COMMENCE AUDIT OF MONTHLY CLAIMS AND ACTION ON CLAIM AUDIT: The board members reviewed the monthly claims and Lancaster made a motion and Jeffries seconded to approve all claims but to hold claim number 0030346 for clarification. Arnold, Hartman, Jeffries, Lancaster, Landis and Stelk all voted yes and none voted no with Logan absent. Motion carried.

Meeting adjourned at 11:34 a.m. The next meeting will be April 11, 2000 at 9:00 a.m.

Marla J. Conley Hall County Clerk